

REMARKS

Upon entry of this Amendment, claims 1-10 are all the claims pending in the application. Claims 9 and 10 have been added. Claims 1-8 presently stand rejected.

The Examiner has not indicated receipt and acceptance of the drawings filed April 30, 2001. The Examiner is kindly requested to acknowledge acceptance of the drawings in the next Office Action.

In regard to the claim rejections, claims 1-8 are rejected under 35 U.S.C. § 112, second paragraph. Applicant has amended the claims as indicated above to remove any ambiguities. Accordingly, withdrawal of the §112 rejection is requested.

Additionally, claims 1, 3-6 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ueda et al. ('598); Claims 1-6 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morii et al. ('378); Claims 1-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either of Ueda et al. ('598) or Morii et al. ('378) in view of Kushibiki et al. ('285); and Claims 1-8 are rejected under 35 U.S.C. § 103(a) either by Ueda et al. ('598) or Morii et al. ('378) combined with Kushibiki et al. ('285), further in view of Kaule (CA 2046711).

For the reasons set forth below, Applicant respectfully traverses the prior art rejections and requests favorable disposition of the application.

Arguments

Claims 1 and 2 are the only claims in independent form; therefore, the following discussion is initially directed to these independent claims.

Claim 1 is directed to a hologram transfer foil which includes a first heat seal layer and a second heat seal layer.

Ueda is cited as anticipating claim 1; however, Ueda fails to teach or suggest two heat seal layers. The prior art rejection cited on page 3 of the Office Action refers to the black sheet 54 as the first heat seal layer and the adhesive layer 56 as the second heat seal layer. However, these two layers are not equivalent to the first and second heat seal layers of the claimed invention. There is no teaching or suggestion that the black sheet 54 is a heat seal layer, especially since it is sandwiched between two adhesive layers 55, 56. In fact, Ueda, at column 18, lines 40-41, for example, discloses that black sheet 54 is made of "PET", i.e., Polyethylene Terephthalate. A skilled artisan knows that PET is high in heat resistance, but is ineffective as a heat seal. Accordingly, Ueda fails to teach or suggest at least the first and second heat seal layers recited in claim 1.

Morii is cited as rendering claims 1 and 2 obvious; however, Morii also fails to teach or suggest two heat seal layers. The prior art rejection cited on page 3 of the Office Action refers to the second adhesive layer 5' and the colored layer 9 as the first and second heat seal layers. However, these two layers are not equivalent to the first and second heat seal layers of the claimed invention. In particular, at column 40, lines 2-4, Morii discloses that colored sheet 9 is made of PET. As mentioned above, a skilled artisan knows that PET is not a heat seal material. Accordingly, Morii, similar to Ueda, fails to teach or suggest the two heat seal layers recited in claims 1 and 2.

The additional cited prior art references fail to cure the deficiencies of Ueda and Morii described above. Specifically, Kushibiki fails to teach or suggest a first and second heat seal layer. Thus, combining Ueda or Morii with Kushibiki would fail to motivate one of ordinary skill in the art to arrive at the claimed invention according to claims 1 and 2.

Still further, Kaule fails to cure the deficiencies of Ueda or Morii in view of Kushibiki. The protective layer 20 and the adhesive layer 22 are not heat seal layers as provided in the present invention. Thus, the combination of cited references would fail to motivate one of ordinary skill in the art to arrive at the claimed invention according to claims 1 and 2.

For at least the reasons set forth above, neither Ueda nor Morii, either alone or taken in combination, teach or otherwise suggest all the features recited in either claim 1 or claim 2. Accordingly, claims 1 and 2, and all claims dependent thereon, specifically, claims 3-10 are patentable over the prior art of record. Withdrawal of the prior art rejections of claims 1-8 is kindly requested.

Patentability of New Claims

For additional claim coverage merited by the scope of the invention, Applicant has added new claims 9 and 10. Applicant submits that claims 9 and 10 are patentable at least based on their respective dependencies from allowable claims 1 and 2.

Conclusion

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims 1-10, and such action is hereby solicited. If any points remain in issue

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/843,891

which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

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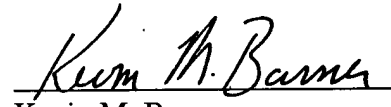
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